

LONG TERM CARE
REGULATION INTERPRETATION
LICENSURE, CERTIFICATION AND EVALUATION COMMISSION

KAR 28-39-162 (a)
K.A.R. 28-39-254 (a) (b) (c)
K.A.R. 28-39-254(g) (1) (E)
K.A.R. 28-39-254(g) (3) (B)

SUBJECT: Shower accessibility for a Resident with Disabilities

DATE: 04-06

NUMBER: 06-02

INTERPRETATION: New construction, modification, and equipment in Adult Care Homes, e.g. nursing, assisted living, and residential health care facilities must meet the Americans with Disabilities Act Accessibility Guidelines (ADAAG) Title III Chapter 6 Medical Facilities, Long Term Care Facilities. The ADAAG for Long Term Care Facilities require all public use and common use areas and at least 50% of the rooms, areas, and spaces be accessible to individuals with disabilities. This includes the showers in the residents' rooms, apartments, and individual living units. Fifty percent of the residents' rooms, apartments, and individual living units must have roll-in showers that measure 3 feet by 5 feet and have no greater than a ½ inch lip.

The remaining fifty percent balance of residents' rooms, apartments, and individual living units may have showers that do not specifically meet the ADAAG for accessibility but rather allow for meaningful access. The Adult Care Home regulations require all residents' apartments and individual living units in assisted living and residential health care facilities to have a toilet room which contains a toilet, lavatory, and a bath tub or shower accessible to a resident with disabilities, but do not specify ADAAG must be met for the remaining fifty percent balance.

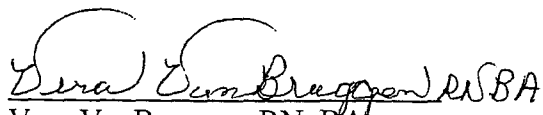
Residential health care facilities previously licensed totally or partially as a nursing facility on or before July 1, 1995, must have private bathing facilities in at least 20 percent of the individual living units in each section. If a facility must remodel the building to achieve the 20% requirement, the private bathing facilities must include roll-in showers that measure 3 feet by 5 feet and have no greater than a ½ inch lip.

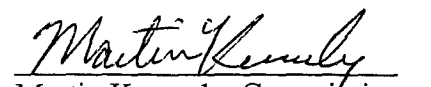
DISCUSSION: The state ADA Coordinator provided clarification as to the ADA classification of the Adult Care Homes, e.g. nursing, assisted living, residential health care, home plus, adult day care and boarding care facilities, licensed by LCE. The adult care homes are classified as Long Term Care Facilities under Title III of ADA Chapter 6 Medical Facilities. The state ADA Coordinator also clarified the showers in resident rooms, apartments, and individual living units are included in the rooms, areas, and spaces that must be accessible. In view of the population

who lives in Adult Care Homes, the state ADA Coordinator further affirmed the agency's requirement that 50% of the residents' rooms, apartments, and individual living units to have roll-in showers that measure 3 feet by 5 feet and have no greater than a ½ inch lip. The people living in adult care homes often have mobility issues that limit their ability to safely use a shower independently or with minimal assistance when having to step across a shower lip, or when the room floor and the shower floor are at different heights. Facilities and contractors must be aware not all shower compartments labeled as ADA approved meet ADAAG.

Adult Care Home regulations require all residents' apartments and individual living units in assisted living and residential health care facility to have toilet rooms/bathrooms containing a toilet, lavatory, and bath tub or shower accessible to a resident with disabilities and facilities must meet this requirement for the remaining 50% balance. KDOA recommends all the residents' rooms, apartments, and individual living units have roll-in showers that measure 3 feet by 5 feet and have no greater than a ½ inch lip. However, the facility has the flexibility to determine how a resident with a disability will have meaningful access in the toilet room/bathrooms and in use of the associated fixtures, toilet, lavatory, and bathing facility. A disability is defined as an impairment that substantially limits one major life activity, including caring for one self, walking, seeing, hearing, speaking, breathing, and working. Grab bars appropriately placed and a seating appliance in the shower or tub may assist in resident safety and accommodation of needs for the bathing/showering process.

If a resident living in a room, apartment, or living unit that does not have a roll-in shower with no greater than a ½ inch lip presents an ADA complaint regarding shower accessibility, the facility will be required to make the needed modification of lowering the height of the lip. The resident cannot be required to move to another apartment be discharged to avoid this accommodation. The facility is responsible overall to ensure the needs of the residents residing in the rooms, apartments or living units are accommodated and that the resident is not dependent on staff assistance due to the toilet and shower or bathtub not meeting their level of disability.


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Licensure, Certification and
Evaluation